



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,695	11/06/2001	Mark Guy Trowbridge	DN1999119USA	1290

7590 09/14/2004

The Goodyear Tire & Rubber Company
Patent and Trademark Department
1144 East Market Street
Akron, OH 44316-0001

EXAMINER

BUTLER, DOUGLAS C

ART UNIT PAPER NUMBER

3683

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/009,695

Applicant(s)

TROWBRIDGE, MARK GUY

Examiner

Douglas C. Butler

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 and 9-11 is/are allowed.
- 6) ☒ Claim(s) 1 and 3-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The claim identifiers for claims 1-3 and 9-11 are incorrect. Applicant's response should correct the identifiers. The identifier "previously amended" should have been "previously presented" in claim 2 and claim 3. In claims 9-11 "previously added" should have been "previously presented". Note that the examiner has no authority to accept any identifier other than the seven identifiers set forth in the MPEP and in revised Rule 121. Also, re claim 1 the identifier "amended" should have been "currently amended".

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 3-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is no clear antecedent basis in the claims for "the intermediate ribbed reinforcement structure" of claim 1, lines 6-7.

4. Applicant's declaration under 37 CFR 1.131 appears sufficient to antedate Koeske et al (6250613). Note that the references cited in the antedated Koeske et al patent have been considered.

5. Claims 1, 3-7 will be allowed upon correction of the rejection under 35 USC 112, second paragraph.

6. Claims 2 and 9-11 are allowed.

7. Claim 8 has been canceled.

Art Unit: 3683

8. Applicant's arguments in the response filed May 14, 2004 have been considered.


The examiner is generally in agreement with the arguments. As to applicant's criticism of the examiner for pulling "the application from Appeal" to issue another rejection on "his own volition", applicant is mistaken. An appeal conference is mandatory in all cases pursuant to MPEP 1208. At the time of the appeal conference was held, the examiner (Exmr. Pezzlo) was not a primary examiner and was not authorized to make a decision on whether to proceed to the BPAI.

9. Geno et al (4946144) discloses strengthening ribs 32 in Figs. 1-5. See Fig. 4.

10. FR 2827551 is cited to complete the record but is not available as a reference. According to the information available to the examiner, no search report exists for the document.

11. EP 1041308 A1 corresponds to US 6250613 to Koeske et al. The references cited in the EP 1041308 have been considered.

12. Any inquiry concerning this communication should be directed to Exmr. Butler at telephone number (703) 308-2575.

 9/12/2004
DOUGLAS C. BUTLER
PRIMARY EXAMINER
AU3683

Butler/vs
September 7, 2004